

## REMARKS

Claim 23 has been amended to more fully explain the mechanisms that control the switch system. Claims 23-26 and 29-33 are pending. Reconsideration of the application is respectfully requested based on the following remarks.

In the Office Action, the Examiner rejected claims 23-26 and 29 under 35 U.S.C. § 102(e) as being anticipated by Lyon, U.S. Patent 6,721,273. This rejection is fully traversed below.

Claim 23 pertains to a switch system. Among other things, claim 23 recites: "wherein said flow control manager receives the fullness information associated with said transmit-side queue and subsequently alters the amount of or rate that requests to transfer blocks of data through said switch unit to said transmit-side queue are permitted by said scheduler...". Further, claim 23 also recites: "wherein said flow control manager does not alter the amount or rate that requests to transfer blocks of data into said switch...". Here, flow control information is used to affect the amount or rate that requests to transfer blocks of data through a switch unit, to an output port that may be congested, are permitted. Claim 23 recites: "wherein said flow control manager will then alter the amount or rate that requests to transfer blocks of data into said switch unit to said receive side queue..." and then "wherein said flow control manager will suspend requests to transfer blocks of data into said switch unit to said receive side queue...". Here, flow control information is used to affect the amount or rate that requests to transfer blocks of data into the switch unit destined for a congested output port.

In contrast, Lyon describes a method and apparatus for traffic flow control that discards different priority cells when a switch becomes congested. See Lyon, col. 8, lines 25-38. However, discarding of lower priority cells in the face of congestion does not teach or suggest altering an amount of or rate that requests to transfer blocks of data into or through said switch unit to the output port are permitted by said scheduler. Accordingly, it is submitted that claim 23 is patentably distinct from Lyon.

Claim 29 is also patentably distinct from Lyon for similar reasons as claim 23.

Based on the foregoing, it is submitted that claims 23 and 29 are patentably distinct from Lyon. In addition, it is submitted that dependent claims 24-26 and 30-33 are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as

the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Lyon. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 23-26 and 29-33 under 35 USC §102(e).

Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. PETAP002).

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP



C. Douglass Thomas  
Reg. No. 32,947

P.O. Box 70250  
Oakland, CA 94612-0250  
(650) 961-8300